

107TH CONGRESS  
2D SESSION

# H. R. 5239

To establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2002

Mr. UDALL of New Mexico introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Northern Rio Grande  
5       National Heritage Area Act”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds the following:

8               (1) Northern New Mexico encompasses a mo-  
9       saic of cultures and history, including 8 Pueblos and

1 the descendants of Spanish ancestors who settled in  
2 the area in 1598.

3 (2) The combination of cultures, languages, folk  
4 arts, customs, and architecture make northern New  
5 Mexico unique.

6 (3) The area includes spectacular natural, sce-  
7 nic, and recreational resources.

8 (4) There is broad support from local govern-  
9 ments and interested individuals to establish a Na-  
10 tional Heritage Area to coordinate and assist in the  
11 preservation and interpretation of these resources.

12 (5) In 1991, the National Park Service study  
13 Alternative Concepts for Commemorating Spanish  
14 Colonization identified several alternatives consistent  
15 with the establishment of a National Heritage Area,  
16 including conducting a comprehensive archaeological  
17 and historical research program, coordinating a com-  
18 prehensive interpretation program, and interpreting  
19 a cultural heritage scene.

20 (6) Establishment of a National Heritage Area  
21 in northern New Mexico would assist local commu-  
22 nities and residents in preserving these unique cul-  
23 tural, historical and natural resources.

24 **SEC. 3. DEFINITIONS.**

25 As used in this Act

1           (1) HERITAGE AREA.—The term “heritage  
2       area” means the Northern Rio Grande Heritage  
3       Area.

4           (2) SECRETARY.—The term “Secretary” means  
5       the Secretary of the Interior.

6       **SEC. 4. NORTHERN RIO GRANDE NATIONAL HERITAGE**  
7               **AREA.**

8           (a) ESTABLISHMENT.—There is hereby established  
9       the Northern Rio Grande National Heritage Area in the  
10      State of New Mexico.

11          (b) BOUNDARIES.—The heritage area shall include  
12      the counties of Santa Fe, Rio Arriba, and Taos in the  
13      State of New Mexico.

14          (c) MANAGEMENT ENTITY.—

15           (1) IN GENERAL.—The Northern Rio Grande  
16      National Heritage Area, Inc., a nonprofit corpora-  
17      tion chartered in the State of New Mexico, shall  
18      serve as the management entity for the heritage  
19      area.

20           (2) BOARD OF DIRECTORS.—The board of di-  
21      rectors for the management entity shall include rep-  
22      resentatives of the State of New Mexico, the coun-  
23      ties of Santa Fe, Rio Arriba and Taos, tribes and  
24      pueblos within the heritage area, the cities of Santa  
25      Fe, Española and Taos, and members of the general

1 public. The number of board members representing  
2 State, local, and tribal governments and interested  
3 communities shall be established to ensure that all  
4 parties have appropriate representation on the  
5 board.

6 **SEC. 5. AUTHORITY AND DUTIES OF THE MANAGEMENT EN-**  
7 **TITY.**

8 (a) MANAGEMENT PLAN.—

9 (1) IN GENERAL.—Not later than 3 years after  
10 the date of enactment of this Act, the management  
11 entity shall develop and forward to the Secretary a  
12 management plan for the heritage area.

13 (2) COOPERATION.—The management entity  
14 shall develop the management plan in cooperation  
15 with affected communities and tribal and local gov-  
16 ernments and shall provide for public involvement in  
17 the development and implementation of the manage-  
18 ment plan.

19 (3) CONTENTS.—The management plan shall,  
20 at a minimum—

21 (A) provide recommendations for the con-  
22 servation, funding, management, and develop-  
23 ment of the resources of the heritage area;

24 (B) identify sources of funding;

1 (C) include an inventory of the cultural,  
2 historical, archaeological, natural, and rec-  
3 reational resources of the heritage area;

4 (D) provide recommendations for edu-  
5 cational and interpretive programs to inform  
6 the public about the resources of the heritage  
7 area; and

8 (E) provide an analysis of ways in which  
9 Federal, State, local, and tribal programs may  
10 best be coordinated to promote the purposes of  
11 this Act.

12 (4) AFFECT OF FAILURE TO SUBMIT MANAGE-  
13 MENT PLAN.—If the management entity fails to sub-  
14 mit a management plan to the Secretary as provided  
15 in paragraph (1), the heritage area shall no longer  
16 be eligible to receive Federal funding under this Act  
17 until such time as a plan is submitted to the Sec-  
18 retary.

19 (5) APPROVAL OR DISAPPROVAL OF MANAGE-  
20 MENT PLAN.—

21 (A) DEADLINE.—The Secretary shall ap-  
22 prove or disapprove the management plan not  
23 later than 90 days after the date of submission  
24 to the Secretary.

1 (B) REASONS FOR DISAPPROVAL AND REC-  
2 OMMENDATIONS FOR REVISIONS.—If the Sec-  
3 retary disapproves the management plan, the  
4 Secretary shall advise the management entity,  
5 in writing, of the reasons therefor and shall  
6 make recommendations for revisions to the  
7 plan.

8 (6) REVIEW AND REVISION OF MANAGEMENT  
9 PLAN.—The management entity shall periodically re-  
10 view the management plan and submit to the Sec-  
11 retary any recommendations for proposed revisions  
12 to the management plan. Any major revisions to the  
13 management plan must be approved by the Sec-  
14 retary.

15 (b) AUTHORITY.—The management entity may make  
16 grants and provide technical assistance to tribal and local  
17 governments and other public and private entities to carry  
18 out the management plan.

19 (c) DUTIES.—The management entity shall—

20 (1) give priority in implementing actions set  
21 forth in the management plan;

22 (2) coordinate with tribal and local governments  
23 to better enable them to adopt land use policies con-  
24 sistent with the goals of the management plan;

1           (3) encourage by appropriate means economic  
2       viability in the heritage area consistent with the  
3       goals of the management plan; and

4           (4) assist tribal and tribal governments and  
5       nonprofit organizations in—

6           (A) establishing and maintaining interpre-  
7       tive exhibits in the heritage area;

8           (B) developing recreational resources in  
9       the heritage area;

10          (C) increasing public awareness of, and ap-  
11       preciation for, the cultural, historical, archae-  
12       ological, and natural resources and sites in the  
13       heritage area;

14          (D) the restoration of historic structures  
15       related to the heritage area; and

16          (E) carrying out other actions that the  
17       management entity determines appropriate to  
18       fulfill the purposes of this Act.

19       (d) PROHIBITION ON ACQUIRING REAL PROPERTY.—  
20       The management entity may not use Federal funds re-  
21       ceived under this Act to acquire real property or any inter-  
22       est in real property.

23       (e) PUBLIC MEETINGS.—The management entity  
24       shall hold public meetings at least annually regarding the  
25       implementation of the management plan.

1 (f) ANNUAL REPORTS AND AUDITS.—

2 (1) ANNUAL REPORTS.—For any year in which  
3 the management entity receives Federal funds under  
4 this Act, the management entity shall submit an an-  
5 nual report to the Secretary setting forth accom-  
6 plishments, expenses and income, and each entity to  
7 which any grant was made by the management enti-  
8 ty.

9 (2) AUDITS.—The management entity shall  
10 make available to the Secretary for audit all records  
11 relating to the expenditure of Federal funds and any  
12 matching funds. The management entity shall also  
13 require, with respect to all agreements authorizing  
14 expenditure of Federal funds by other organizations,  
15 that the receiving organization make available to the  
16 Secretary for audit all records concerning the ex-  
17 penditure of those funds.

18 **SEC. 6. DUTIES OF THE SECRETARY.**

19 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—The  
20 Secretary may, upon request of the management entity,  
21 provide technical and financial assistance to develop and  
22 implement the management plan.

23 (b) PRIORITY.—In providing assistance under sub-  
24 section (a), the Secretary shall give priority to actions that  
25 facilitate—



1           (1) the conservation of the significant natural,  
2           cultural, historical, archaeological, scenic, and rec-  
3           reational resources of the heritage area; and

4           (2) the provision of educational, interpretive,  
5           and recreational opportunities that are consistent  
6           with the resources and associated values of the herit-  
7           age area.

8   **SEC. 7. SAVINGS PROVISIONS.**

9           (a) NO EFFECT ON PRIVATE PROPERTY.—Nothing  
10          in this Act shall be construed—

11           (1) to modify, enlarge, or diminish any author-  
12           ity of Federal, State,tribal, or local governments to  
13           regulate any use of privately owned lands; or

14           (2) to grant the management entity any author-  
15           ity to regulate the use of privately owned lands.

16          (b) TRIBAL LANDS.—Nothing in this Act shall be  
17          construed to restrict or limit an Indian tribe from pro-  
18          tecting cultural or religious sites on tribal lands.

19          (c) AUTHORITY OF GOVERNMENTS.—Nothing in this  
20          Act shall be construed—

21           (1) to modify, enlarge, or diminish any author-  
22           ity of Federal, State, tribal, or local governments to  
23           manage or regulate any use of land as provided for  
24           by law or regulation; or

1           (2) to authorize the management entity to as-  
2       sume any management authorities over such lands.

3       (d) **TRUST RESPONSIBILITIES.**—Nothing in this Act  
4 shall be construed to diminish the Federal Government’s  
5 trust responsibilities or government-to-government obliga-  
6 tions to any federally recognized Indian tribe.

7 **SEC. 8. SUNSET.**

8       The Secretary may not make any grant or provide  
9 any financial assistance under this Act after September  
10 30, 2017.

11 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

12       There is authorized to be appropriated \$10,000,000  
13 to carry out this Act. Not more than \$1,000,000 may be  
14 appropriated for any fiscal year. The Federal share of the  
15 costs for any activity funded under this Act shall not ex-  
16 ceed 50 percent.

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